

is now needed more than at any time that I can remember in the last many years.

With divisions within the intelligence community, there are challenges to the credibility of the intelligence community along the lines that I have never seen. There are questions about the activities of the intelligence community. For example, the President of the United States alleges that Trump Tower was "wiretapped," in his words, by the previous administration, and we see the former Director of National Intelligence both before the Congress and on national television stating that those allegations are not true.

There are probably more questions and more controversy surrounding our intelligence services than at any time since anyone can remember, since Watergate. So this is a perfect time, in my view, for Dan Coats to assume the highest responsibilities of our Director of National Intelligence. He has the respect and indeed affection of Members on both sides of the aisle because of his successful efforts at working in a bipartisan fashion. He served on the Intelligence Committee. He served on that committee in a very dedicated and knowledgeable fashion.

I hope my colleagues will unanimously vote in favor of our former colleague. Both sides of the aisle know him, and we know him well. I wish I had some of his qualities of congeniality and pleasantry. He has always been respectful of other views. Even in the fiercest debates that we might have, he has always been respectful of those who disagree. So he comes to the job with the much needed credibility that will make him immediately effective.

Let's be frank. The intelligence communities are probably under greater attack in a whole variety of ways, both on whether the American people trust them to do the job that they are doing or whether they have become a partisan organization. I think that with the respect and appreciation and affection that those of us who had the privilege of knowing him—on both sides of the aisle—and knowing what an honorable and decent person he is, he will not only serve as an effective Director of National Intelligence, but he will serve to restore credibility.

God knows we need credibility at this time, as we see the Russians trying to affect the outcome of our election, as we see today the Russians trying to affect the French election and possibly the German election, as we see unprecedented cyber attacks—more than at any time in the past. With the challenge of cyber alone, where our adversaries or our potential adversaries are equal to or even, in some cases, more capable of exercising their abilities and capabilities in the cyber realm, then we are in a very difficult and challenging struggle.

That is why I think that many times in history, not only does the man make the job but the job makes the man. I

am confident, in the case of Senator Dan Coats, that will be the case.

I thank the Democratic leader for allowing this vote to take place so Dan Coats can get to work immediately.

I urge my colleagues to offer their support with their vote for this nomination of a great and good and gentle man who has again volunteered to serve his Nation, for which all of us should be appreciative, and I am sure we are.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Coats nomination?

Mr. BARRASSO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Tennessee (Mr. CORKER), and the Senator from Georgia (Mr. ISAKSON).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea" and the Senator from Tennessee (Mr. CORKER) would have voted "yea."

The PRESIDING OFFICER (Mr. COTTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 12, as follows:

[Rollcall Vote No. 89 Ex.]

YEAS—85

Barrasso	Franken	Nelson
Bennet	Gardner	Perdue
Blumenthal	Graham	Peters
Blunt	Grassley	Portman
Boozman	Hassan	Reed
Brown	Hatch	Risch
Burr	Heinrich	Roberts
Cantwell	Heitkamp	Rounds
Capito	Heller	Rubio
Cardin	Hirono	Sasse
Carper	Hoeven	Schatz
Casey	Inhofe	Schumer
Cassidy	Johnson	Scott
Cochran	Kaine	Shahen
Coons	Kennedy	Shelby
Cornyn	King	Stabenow
Cortez Masto	Klobuchar	Strange
Cotton	Lankford	Sullivan
Crapo	Leahy	Tester
Cruz	Lee	Thune
Daines	Manchin	Tillis
Donnelly	McCain	Toomey
Durbin	McCaskill	Van Hollen
Enzi	McConnell	Warner
Ernst	Menendez	Whitehouse
Feinstein	Moran	Wicker
Fischer	Murkowski	Young
Flake	Murphy	
	Murray	

NAYS—12

Baldwin	Harris	Sanders
Booker	Markey	Udall
Duckworth	Merkley	Warren
Gillibrand	Paul	Wyden

NOT VOTING—3

Alexander	Corker	Isakson
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The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I move to reconsider the vote, and I move to table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF HERBERT MCMASTER

Mr. MCCAIN. Mr. President, I urge my colleagues to render an "aye" vote for the nomination of Herbert McMaster to remain in active duty at the three-star level. He is experienced. He is talented. He knows what it is like to be in combat with the enemy, and I believe he is badly needed in this important position.

I urge my colleagues to render an "aye" vote.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Lt. Gen. Herbert R. McMaster, Jr., to be Lieutenant General in the United States Army while assigned to a position of importance and responsibility under title 10, U.S.C., section 601.

The PRESIDING OFFICER. Under the previous order, the cloture motion is withdrawn.

The question is, Will the Senate advise and consent to the McMaster nomination?

Mr. TOOMEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Wyoming (Mr. BARRASSO), the Senator from Tennessee (Mr. CORKER), and the Senator from Georgia (Mr. ISAKSON).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea," the Senator from Wyoming (Mr. BARRASSO) would have voted "yea," and the Senator from Tennessee (Mr. CORKER) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 10, as follows:

[Rollcall Vote No. 90 Ex.]

## YEAS—86

Baldwin	Flake	Paul
Bennet	Franken	Perdue
Blumenthal	Gardner	Peters
Blunt	Graham	Portman
Boozman	Grassley	Reed
Brown	Hassan	Risch
Burr	Hatch	Roberts
Cantwell	Heinrich	Rounds
Capito	Heitkamp	Rubio
Cardin	Heller	Sasse
Carper	Hoeven	Schatz
Casey	Inhofe	Scott
Cassidy	Johnson	Shaheen
Cochran	Kaine	Shelby
Collins	Kennedy	Stabenow
Coons	King	Strange
Cornyn	Klobuchar	Sullivan
Cortez Masto	Lankford	Tester
Cotton	Leahy	Thune
Crapo	Lee	Tillis
Cruz	Manchin	Toomey
Daines	McCain	Udall
Donnelly	McConnell	Van Hollen
Duckworth	Menendez	Warner
Durbin	Moran	Whitehouse
Enzi	Murkowski	Wicker
Ernst	Murphy	Wyden
Feinstein	Murray	Young
Fischer	Nelson	

## NAYS—10

Booker	Markey	Schumer
Gillibrand	McCasikill	Warren
Harris	Merkley	
Hirono	Sanders	

## NOT VOTING—4

Alexander	Corker
Barrasso	Isakson

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, I move to reconsider the vote, and I move to table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I voted to support Lieutenant General H.R. McMaster retaining the grade of lieutenant general while serving as the National Security Advisor to the President. To be clear, this vote was to permit Lieutenant General McMaster to remain in the grade of lieutenant general while serving in this position. It is not to confirm him as the National Security Advisor.

Lieutenant General McMaster was appointed by the President to a position that does not require Senate confirmation. Indeed, he is already serving as National Security Advisor. The only remaining question is whether he will serve in the military grade of lieutenant general on Active Duty.

The position of National Security Advisor is one of the most important in our government. Not only does it require someone capable of providing timely and thoughtful counsel on national security matters, it entails coordinating advice and action across multiple executive agencies with responsibilities in the national security arena. Further, it necessitates a large measure of independence and knowledge.

This is not the first time we have considered an Active-Duty military of-

ficer for this position. Lieutenant General McMaster would be the third such officer to so serve, following Admiral John Poindexter under President Reagan and General Colin Powell under President George Herbert Walker Bush.

Many of my colleagues are rightly concerned about this and question whether it would be more appropriate for him to retire and serve in a civilian capacity. While I strongly believe it would be better for Lieutenant General McMaster to retire and avoid all perceptions of politicizing the military, he believes that serving in uniform will help him remain apolitical in service to this Administration. He can expect Congress to hold him to his word that wearing the uniform in this position will serve to keep the military above the political fray.

Some Members have expressed concern about the proper functioning of our national security apparatus and clear chains of command with respect to military advice provided to the President under this arrangement. While Lieutenant General McMaster would be the National Security Advisor to the President, providing day-to-day advice and counsel on all national security matters, General Joseph Dunford, as the Chairman of the Joint Chiefs of Staff, would continue to be the "principal military advisor" to the President, while Secretary Mattis is the "principal assistant to the President in all matters related to the Department of Defense."

As Senator Sam Nunn described the issue with respect to the nomination of then-Lieutenant General Powell, in Senator Nunn's words, "A military officer who knows that his next promotion depends on the Secretary of Defense and the top generals and admirals in the Pentagon may simply not, over a period of time, be able to make completely objective decisions based on the fact that his promotion, his pay, and his future depend on one department, and that one department is an active player in the government."

This question centers on Lieutenant General McMaster's ability to retain the necessary measure of independence as he discharges his duties to the President. I ultimately believe, after careful consideration, that Lieutenant General McMaster will be able to balance these roles and provide advice and direction designed to further the Nation's interests and not simply those of the Department of Defense or indeed, to advance his own ambitions.

It is also my hope that Lieutenant General McMaster will be a moderating influence on a White House that desperately needs talented, informed, and professional advisers. This Administration has proposed a reorganization of the National Security Council structure that excludes the Chairman of Joint Chiefs of Staff and the Director of National Intelligence from meetings unless specifically invited. Lieutenant General McMaster assured the Committee that General Dunford and the

DNI will be invited to attend any meeting of the Principals Committee of the National Security Council, and I appreciated that assurance.

The Trump Administration reorganization also added the President's chief strategist, Steve Bannon, to the National Security Council. This politicization of the NSC is unsound, and I think without merit. The law creating the National Security Council is purposeful in trying to create a managerial and policy process that develops the best national security policy for our Nation. The idea that a partisan political operative like Mr. Bannon should serve on the National Security Council runs counter to longstanding practice, and must, in my view, be reversed.

It is my hope that Lieutenant General McMaster has the vast experience and knowledge and the requisite temperament and independence to provide the national security expertise that is sorely needed in the White House.

Moreover, Lieutenant General McMaster must have the support and the backing of the President so it is clear that he runs the National Security Council on the President's behalf. That support is not yet apparent. According to Politico just a few days ago, the President overruled Lieutenant General McMaster's advice and chose to listen to Mr. Bannon and the President's son-in-law, Mr. Kushner, in regard to the retention of a key intelligence analyst who had been brought in by Major General Flynn. This is a worrisome sign that Lieutenant General McMaster might have a title and responsibilities but not the authority he needs. I indeed hope he has that authority and exercises it wisely.

I would also like to note that there have been reports about decisions Lieutenant General McMaster made as Commanding General at Fort Benning in allowing lieutenants under his command to attend schools while being investigated for allegations of sexual misconduct. I want to assure my colleagues that the Committee held a closed and classified executive session with Lieutenant General McMaster present to answer all our questions. The Committee thoroughly considered the facts and voted to confirm his third star by a strong bipartisan vote.

We are again taking a rather extraordinary step in voting on an Active-Duty military officer to serve as National Security Advisor for the first time in 25 years, but these are extraordinary times. Our Nation faces complex national security challenges, and 3 months into a new administration, we are on a second National Security Advisor already. We see a disorganized National Security Council and an enormous number of vacancies in the State and Defense Departments.

Lieutenant General McMaster has the opportunity to bring order to the chaos. Therefore, I believe the Senate should confirm his grade of Lieutenant General while he serves as National Security Advisor.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### TRUMPCARE

Mr. CARDIN. Mr. President, I take this time to talk about the Republican American Health Care Act that was released, I guess, about a week or two ago, affectionately known as TrumpCare. I start by saying, what is this legislation trying to achieve? When I listen to the Republicans talk about why they have introduced this bill, what their concern is with the Affordable Care Act, they usually mention their No. 1 concern is to deal with the increased premium costs that Americans have had under the Affordable Care Act. They normally will point to the individual marketplace, where we have seen increases in premium costs as the market has adjusted to the ratings of those who entered the individual marketplace.

So it was very interesting, as I took a look at the Congressional Budget Office analysis of what the Republican TrumpCare bill would do. The Congressional Budget Office, let me remind my colleagues, is the objective scorekeeper. The leader of the Congressional Budget Office was appointed by the Republican leadership. It is the professional career people who make their best judgment of the impact of legislation that we are considering.

Remember, the Republicans have said their principal objective is to bring down the cost, particularly for those entering the individual marketplace, but according to the Congressional Budget Office, in 2018-19, the average rate in the individual marketplace will increase by 15 to 20 percent. Let me say that again. The Congressional Budget Office tells us the premium increases under TrumpCare will increase for the individual 15 to 20 percent.

Now, that could be a lot higher. That is the average. So let me give you the number. If you happen to be 64 years of age, with an income of \$26,500, under the Affordable Care Act, you would pay \$1,700 in premiums. Under TrumpCare, you would pay \$14,600, or a 750-percent increase. That would equal to about 55 percent of your income in the health insurance premiums. Obviously, that is not affordable. A person of that age and income would have no ability to purchase insurance at an affordable rate under the American Health Care Act or TrumpCare.

Let me take a look at some other reasons why we may be looking at this repeal-and-replacement bill. I listened to the President. I listened to my col-

leagues, and they say, first, they want to make sure they do no harm, that everyone will be at least as well off as they are today, and that there would be more choice to the consumers in buying health insurance.

Once again, I point to the Congressional Budget Office, the objective scorekeepers. What would happen if TrumpCare were enacted? What would happen as far as individuals who currently have health insurance today? According to the Congressional Budget Office, next year, 2018, there would be 14 million less people insured than there are under the Affordable Care Act. If you project that out to 2026, they indicate there would be 24 million more people who would lose their insurance.

Let me quote from The Baltimore Sun in this morning's editorial, where they pointed out that number: Twenty-four million would equal all the residents of Utah, Mississippi, Arkansas, Nevada, Kansas, Nebraska, West Virginia, Idaho, Montana, North Dakota, South Dakota, Alaska, Wyoming combined would have no insurance coverage. That is what 24 million represent in America. Clearly, this bill is not carrying out the commitment to do no harm because 24 million more Americans will certainly be in worse shape.

Then I heard the President talk about the fact that he wants to do no harm to the Medicare Program or the Medicaid Program. I took a look again at what this bill does in regard to Medicare because the bill repeals the tax on high income; that is, there is currently in law a tax for unearned income above \$250,000, a tax that goes into the Medicare trust fund, Part A. The TrumpCare repeals that tax. Therefore, the Medicare trust fund doesn't get the income. That would reduce the solvency of the Medicare trust fund by 3 years, jeopardizing the Medicare system. Clearly, if this bill was aimed at not hurting Medicare, it hasn't achieved that purpose.

Let's talk a little about Medicaid. What does this bill do to Medicaid? According to the Congressional Budget Office, it shifts hundreds of billions of dollars from the Federal Government to our States. Our States clearly cannot handle that. I have heard from my Governor. I am sure my colleagues heard from our other Governors. There is no possibility that they could pick up that. The Medicaid Program will be in very serious jeopardy of being able to continue anything like it is today. For Maryland—the State I have the honor of representing—the passage of TrumpCare would jeopardize the over 289,000 Marylanders who have received insurance coverage as a result of Medicaid expansion under the Affordable Care Act. They very well would lose their coverage.

What does that mean? Well, they better stay well because they are not going to get preventive healthcare covered by insurance. They are less likely to get their preventive healthcare serv-

ices and the screenings, and, yes, they will return once again to use the emergency room of hospitals as their last resort in order to get their family's healthcare needs met—the most expensive way to get healthcare in our Nation.

With the elimination of essential health benefits for Medicaid expansion enrollees, what does that mean? That means the Medicaid population—which in Maryland is hundreds of thousands of people—would lose their essential health benefits, which includes mental health and addiction services.

We are in the midst of an opioid drug addiction epidemic in America. I have traveled my entire State and have had roundtables with law enforcement and health officials, and they tell me about the growing number of addictions in their community. One of the things they need to do is to be able to get people care and treatment, and we are saying we are going to cut off treatment for millions of Americans. That is what TrumpCare would do, cutting off those benefits.

This bill would shift costs. What do I mean by that? Well, it adds costs to the healthcare system. If an individual stays healthy and uses our healthcare system the way they should, it is a lot less costly than entering our healthcare system in a more acute fashion or using our emergency rooms rather than using healthcare providers who are a lot less expensive and more efficient.

So we are going to add to the cost of our healthcare system because of inefficiencies. Many times that extra cost is not paid for by those who have no health insurance; the fact is, it becomes part of what we call uncompensated care. We had that before the Affordable Care Act. With the increase in uncompensated care, all of us who have insurance will pay more because we are going to pay for the people who don't have health insurance, who use the healthcare system and don't pay for the healthcare system. That is a formula for extra costs for all of us.

This legislation would be an attack on women's healthcare. It would attack and eliminate not only the funding for Planned Parenthood, which is critically important in many parts of our country where they are the only healthcare provider for women's healthcare needs, but also eliminate essential health benefits for Medicaid expansion enrollees, which include maternal health. Those guarantees that exist today would no longer be there. With the pressure on the States, it is unlikely that they would be able to maintain the same degree of coverage for our women. Women are more likely to be vulnerable and on Medicaid.

It is an attack on our elderly. I have already talked about Medicare solvency, reducing Medicare solvency by 3 years, but there are more attacks than that. Over half—I think it is 60 to 65 percent of the cost of Medicaid goes to senior care, long-term care or to care